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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea

Note by the Secretary-General

The Secretary-General has the honour to submit to the members of the General Assembly the report on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur on the situation of human rights, Marzuki Darusman, in accordance with Commission on Human Rights resolution 2004/13.

The Special Rapporteur officially assumed responsibility for the mandate on 1 August 2010. The Special Rapporteur has since notified the Secretariat that, owing to his late appointment, he would not be in a position to present a substantial report and meet the deadline of 6 August 2010 for submission of the report.

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I. Introduction

1. The present report is submitted pursuant to paragraph 6 of General Assembly resolution 64/175. The mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea was established by the Commission on Human Rights in its resolution 2004/13. The mandate has been regularly extended by the Human Rights Council, most recently in its resolution 13/14, whereby it was extended for another year. The Democratic People's Republic of Korea has not from the start recognized the mandate of the Special Rapporteur.

II. Background

2. In June 2010, the President of the Human Rights Council appointed me as the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. I officially assumed responsibility for the mandate on 1 August 2010, taking over from my distinguished predecessor, Vitit Muntarbhorn. It is therefore my first opportunity to interact with the General Assembly. Given the time constraints since my appointment, it has not been possible for me to conduct any visits or engage with relevant stakeholders. Hence, the present report primarily focuses on the broad methodology that I propose to adopt while discharging the functions of the mandate. I will supplement the report with an oral statement at the sixty-fifth session of the General Assembly, in October 2010.

3. I view the current transition as a fresh opportunity to commence a renewed period of engagement and cooperation with the Democratic People's Republic of Korea on the promotion and protection of human rights.

4. At this early stage of my mandate, I will abstain from reaching any conclusions or judgements and will concentrate on acquiring information and listening to various relevant actors. Cooperation rather than confrontation will be the basis of all my engagements.

III. Proposed approach to the mandate

5. In March 2011, I will submit my first report to the Human Rights Council at its sixteenth regular session. I hope to be able to provide some preliminary results based on a cooperative approach. That approach entails first identifying an entry point or issue and then developing and building upon it, however insignificant it may be seen at the beginning. The approach could start with a humanitarian direction, without in any way diminishing the human rights dimension.

6. During my mandate, apart from endeavouring to engage with the Government of the Democratic People's Republic of Korea, I will interact with other entities, such as civil society, the international community and the relevant bodies of the United Nations. I believe that such an approach is important in order to have balanced views on the various issues that prevail or might arise.

IV. Possible entry points for engagement with concerned stakeholders

7. In December 2009, the Democratic People's Republic of Korea was reviewed at the universal periodic review process, and its engagement in this international process of scrutiny was very welcome. Apart from the various reports that were submitted during the process, the report of the Working Group on the Universal Periodic Review contains a number of conclusions and recommendations. Some of them have often been mentioned by other human rights mechanisms as well, such as the treaty bodies.

8. I am fully aware of the important work that United Nations entities have been performing over the years in the Democratic People's Republic of Korea. These include providing support, including technical assistance, to the Government in different fields, such as health, food, water and sanitation. In recent months, a number of surveys have been conducted by the Government with the support of the United Nations. These contain very helpful and key findings. All these initiatives allow broader understanding of the lives of the people of the Democratic People's Republic of Korea.

9. Furthermore, while taking into consideration the work done over the years by my predecessor, Vitit Muntarbhorn, I will be making an independent assessment of the situation.

V. Conclusion

10. I wish to again emphasize the approach of constructive dialogue with the Government of the Democratic People's Republic of Korea, the international community and civil society. On the conduct of the mandate, I look forward to the challenging responsibility of this mandate and to positive outcomes in the field of human rights in the Democratic People's Republic of Korea.